

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
SEPTEMBER 7, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's September 7, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Pamela Goetting
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

1. Request of **Al Neyer, per Melissa Johnson (applicant) for Graves Family Real Estate LLC, Douglas and Donna Conner, Casey A. March, Larry and Elizabeth Goodridge, and Michael S. and Lara A. Goodridge (owners)** for a Zoning Map Amendment from Graves Road – Commercial (GR-C) and Graves Road – Business Park (GR-BP) to Graves Road – Business Park/Planned Development (GR-BP/PD) for an approximate 137 acre area located at the southeast quadrant of the Interstate 275 (I-275)/Graves Road interchange and being the properties located at 2944 Petersburg Road, 2928 Petersburg Road, 2918 Petersburg Road, 2888 Graves Road, 2890 Graves Road, 2650 Graves Road, 2648 Graves Road, the property with the following Property Identification Number (PIDN): 036.00-00-016.02, and a portion of the property located at 2678 Graves Road, Boone County, Kentucky. The request is for a zone change to allow a 1,550,000 square foot industrial building.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is 137 acres in size and is located at the southeast quadrant of the I-275/Graves Road Interchange. This site has 1,200 feet of frontage along Graves Road and approximately 530 feet of frontage along Petersburg Road. The site is currently occupied by 6 detached single-family residential dwellings, agricultural land and vacant/undeveloped land. Mature trees exist throughout the site. The I-275/Graves Road Interchange was recently completed. That project is summarized on page 1 of the Staff Report. Approximately 136.6 acres of the site is currently zoned GR-BP and the remaining 0.4 acres is currently zoned GR-C. Page 2 of the Staff Report includes those sections of the zoning regulations that are pertinent to the request. Mr. Schwartz described the adjoining zoning, which includes single-family residential, commercial, industrial and business park. A stream valley runs east-west through the site. The site slopes upward from that stream valley along several north-south ridge lines. The 2040 Future Land Use Map designates the site for High Suburban Density Residential (HDR) and Business Park (BP) uses. Pages 3-6 of the Staff Report outline the references the Comprehensive Plan. In 2021, that Future Land Use Map was changed with the adoption of the I-275/Graves Road Study. Almost the entire site is designated for Business Park uses. Page 40 of that Study states that “great care and attention must be given to providing proper buffering and screening in order to minimize the business park uses on existing residential areas.” Pages 7 and 8 of the Staff Report outline references to the Graves Road Study that are pertinent to the request. The request can be divided into 3 basic areas. The first area is 98.42 acres and represents the building site. The second area is 34.72 acres in size and is the green space area. The third area is 4.32 acres and represents the right-of-way area for the extension of Litton Lane. It is a total of 137 acres. Mr. Schwartz showed some photographs of the site and adjoining properties.

The submitted Concept Development Plan shows the Litton Lane extension to Old Graves Road. In addition, a 3 story 1,550,000 square foot industrial building will be constructed. An open space area is planned for the north side of the site. Two curb cuts are proposed off the Litton Lane

extension and one curb cut onto Petersburg Road is proposed. Approximately 500 parking spaces are proposed along with 66 loading docks. A trailer parking area is proposed to accommodate 400 parking spaces. A future trailer parking area to accommodate 60 additional parking spaces is also proposed as well as detention/retention and amenity areas. The applicant has submitted some conceptual building elevations to demonstrate possible building architecture. Section drawings have also been submitted along with grading and utility plans. A section drawing has been submitted from the middle of the proposed building area and one from the edge of the building. The maximum height of the proposed building is 95 feet. Mr. Schwartz showed the building sections. A separate landscaping plan has been submitted that shows significant landscaping along the property line of Liberty Crossing Subdivision. He also showed enlarged landscaping plans of parking areas in the employee parking area, the trailer parking area and the Litton Lane extension. Pages 8-11 of the Staff Report provided a review of the proposed plan with the zoning regulations. Pages 11-12 identified the Staff Concerns. The size of the proposed building at 1,550,000 square feet is 442% larger than the maximum building size of 350,000 square feet. The I-275/Graves Road Study identifies the maximum land area allowed in area for logistics and light industrial to be 45% of the land area zoned GR-BP, east of the center line of new Graves Road. The proposed project is 48.79%. The Staff Report shows how those figures were calculated. Certain building material requirements are proposed to be deleted. Some landscaping requirements are proposed to be deleted all through the PD application. The applicant wants to reduce the amount of off-street parking that is normally required from 1,550 spaces to 500 spaces. The proposed building will be 30-40 feet taller than the adjacent residential structures. There is also a paragraph in the applicant's project narrative (see p. 12 of the Staff Report) that needs to be clarified to assure what it means. The Staff is concerned that these deviations are significant and they are not consistent with the I-275/Graves Road Study adopted in 2021. Staff is concerned that if these changes are adopted, it may set a precedent since there are no official approvals of a project in the I-275/Graves Road Study area to date. This could be the first project. The request is a single zone change from GR-BP to GR-BP/PD. Mr. Schwartz noted that the I-275/Graves Road Study will be re-evaluated 3 years after adoption or in 2024.

Chairman Rolfsen asked if the project was approved, would all of the remaining BP zoning be used up? Mr. Schwartz replied no. He explained that no more than 45% of land GR-BP east of the new Graves Road can be used for logistics, light industrial, assembly, manufacturing, etc. If the proposed project was approved, none of the area east of Graves Road can be used for logistics, light-industrial, assembly, manufacturing, etc. Chairman Rolfsen asked how much land is remaining on the east side of Graves Road? Mr. Schwartz responded 65 acres.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Brian Dunham represents the Graves Family, Spaulding Family, Burcham Family and Al Neyer. He stated that the developer held an open house prior to the Labor Day weekend for the neighboring property owners. It was a good dialogue. He explained what the developer can do under the current zoning and approval process. Up to 2.9 million square feet is permissible on the

site. Even with the 45% limitation of light industrial and logistics and a maximum building of \$350,000 square feet, they have determined they can have up to 4 distribution buildings for a total of 1.4 million square feet. The proposed 1,550,000 square foot building includes a 144,000 square foot expansion area. Without the expansion, it is comparable. There are only 66 dock doors planned for the site. If you build one 350,000 square foot building, there could be 240 docks. Currently, loading/unloading areas are permitted in the rear. The proposed location of these areas are opposite of the Liberty Crossing Subdivision. The loading docks are a quarter mile away from the subdivision. It also sits 35 feet below the grade. Under current zoning, they are allowed a 60 foot high building. The remaining land will remain as green space with walking trails. The proposed use is a third of what the proposed traffic was per the I-275/Graves Road Study. The zone currently calls for a 50 foot building setback with a 100 foot landscape area. Essentially, it would function as a 100 foot setback. The proposed setback is 180 feet with a 100 foot landscape buffer. While some people prefer the site not to be developed, it will develop at some time since the zoning is in place. The question is whether the submitted plan is better for Boone County. The Study speculated that the site would be developed for light industrial uses and the building would be built without an end use in place. This proposed building is not speculative. It will be for an end user that will own the building. It will result in a much higher quality building. The estimate that the improvement to the building will be 400% greater than what they would normally build for a spec building. The end user cannot be disclosed. The end user is a manufacturer of retail products and has been an employer in Boone County for decades. The average tenure of the end user's employee is 10-15 years. It is not Amazon. The use of the building will be a distribution, warehouse, sorting facility. It won't be manufacturing. The proposal would involve moving jobs and adding jobs. Their existing building would be repurposed. The end user would typically run two shifts a day – five days a week. There are no refrigerated trucks. Mr. Dunham understood that unless items were presented in the submitted narrative, the developer would have to comply with other applicable zoning regulations.

Mr. Pat Moore, architect for AI Neyer, stated that form follows function for the proposed building. It is a state of the art and highly mechanized MHE system. It has vertical integration robotics. It is a great site and location for the proposed business. The site is divided into 2/3 and 1/3 with Litton Lane extended with the proposed building. The top third is about 35 acres and has a lot of creeks and vegetation. The plan is to keep it intact. This area could be used for public use like a walking trail system. The 35 acres will remain intact. The building is 951 feet wide and 1,478 feet long. It is driven by the material handling. Height is very important for efficiency. The proposed building is built into 3 major components – warehousing, material handling, mezzanine and a two story (33,000) corporate office area. The parking area will be terraced and full of landscaping. It is a campus approach. Compliance with the parking requirements will be made via an employee count of the largest shift. There is no need for car parking for 1,500 vehicles. There will be outdoor amenities such as huddle spaces and hiking trails. There will be outdoor areas to eat lunch.

The building is 180 feet from the subdivision. A retaining wall will be built just beyond the existing power line easement that drops 35 feet. A 75 foot wide overhead electric easement exists on the site. They cannot build a structure on it. It is their intent to keep the existing vegetation along the

southern property line intact. There is a planned robust landscaping row along the retaining wall. There will also be an 8 foot high solid fence. All the trailer areas and docks are bounded by a solid screened 8 foot high wall. It will be concrete block or precast concrete. The proposed building is massive. To address it, blocking, use of colors, use of textures, off-sets and glass helps make the building fit in. It won't be a pre-engineered building. Insulated metal panels will be used along with a precast storefront curtain wall and architectural metal panels. Different colors will add interest to the building. The client wants to pursue LEED certification and sustainability. It includes solar panels on the roof and a vegetative roof for storm purposes and for irrigation purposes. The landscaping will be drought tolerant. Charging stations will be included. Mr. Moore stated that he would be happy to go over the design standards that they can't achieve from the I-275/Graves Road Study. Mr. Morre referred to a site elevation as viewed looking east. It has a step to it. The 95 foot high section is the warehouse portion of the proposed building. The section drawing shows the line of sight from the house in the subdivision to the top of the roof.

Mr. Don Stegman, Cardinal Engineering, referred to the TEC Traffic Study, which recommended the Litton Lane extension to get to the new I-275/Graves Road Interchange. This is achieved in the submitted plan. It was recommended from the Interchange Study to move 25,000 vehicles a day from the KY 237 Interchange to the Graves Road Interchange. The developer will build the Litton Lane extension in its entirety using county owned land and the developer's land. Old Graves Road will tie into the Litton Lane extension and then connect to the New Graves Road. Al Neyer construction has hired QK4 to undertake their Traffic Study. They are the same firm that completed the I-275/Graves Road Justification Study. This work will determine what improvements have to be completed to the new intersection. The Traffic Study will also include traffic signal warrants. Mr. Stegman stated that Neyer is willing to provide access to the adjoining property owners so there can be direct access to the New Graves Road. This would prevent those property owners from being land locked. The traffic counts per the TEC Study suggest 19 trips per acre during peak hours. It would be equivalent to 1,860 trips based on the size of their parcel. The projected end user informs them that they will be at one third of that 1,860 trip figure. It will be well under what was originally forecasted. Mr. Stegman noted that they really tried to hit the 45% amount. There is reference to the develop area/parcel. They have 3 parcels. The building parcel is encumbered by a 70 foot power line easement. It eats up about 7.5 acres. It can't be touched or used. He took that area out of his calculation. He claims that he is just under the 45% figure. The guidebook says to use 202 acres. The Study doesn't say parcel but rather develop area. They would like to convert the storm water to gray water. The basins are rather large and store additional storm water.

Mr. Dunham stated that all in all, this is a better project than what would otherwise be happening here. He believes it is consistent with the Comprehensive Plan and that the existing zoning is inappropriate and proposed zoning is appropriate.

Mr. Randy Graves, 2807 Old Graves Road, complemented the State and County for the completion of the I-275/Graves Road Interchange. It is a good road for development. The Graves Family has been in the County since the 1800s. They have farmed the property in question for

the past 75 years. The land is very important to him and his sisters. He noted that his parents passed the farm to him and his sisters in 2018. In order to settle the estate, they have to sell the farm. Because of that, they wanted a developer that is caring and does the proper things to be good neighbors and stewards to the land. He plans on staying in the old house and keeping the 5 barns. That is why it is important to have a developer and user that is concerned about the environment. He likes the thought of regulated storm water and storm water storage. He also likes the idea of protecting the neighbors with large buffer areas and walking trails. It is a community friendly development. The proposed user is a good corporate citizen of the County. It is a good choice for the use of this land.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Doug Connor, 2890 Graves Road, stated that he and his wife have owned their property for 41 years. The site has been designated for Business Park (BP). The only thing being contested is the size of the building. His family has lived in Boone County for many years and that is why he takes the development very seriously. The proposed project is best for what the area has been designated for a Business Park (BP) use. The proposed end user is innovative and high quality. Al Neyer is a local developer with an excellent track record.

Ms. Amy Stauffer, 3006 Declaration Drive, referred to her PowerPoint presentation. She showed a picture of her ranch house. It is located adjacent to the project site. She bought the house 3 years ago and renovated it. She is the only house on her street. She is thankful to the Graves Family as they have provided a beautiful landscape next door. She expressed a concern about seeing the back of the building. The proposed building is very large and it will be all consuming to her ranch house. She is interested in a larger buffer zone in order to enjoy the same type of space as the employees. She showed a photograph of the end of Presidential Drive. It shows a 30 foot drop. She drew up her own rendering which shows the building height next to her house. She is also concerned about the shadow effect of the proposed large building. She already experiences shadow of the existing Duke power line. What will a 95 foot high building show in terms of casting a shadow even if it is 185 feet away. Ms. Stauffer showed examples of other types of development that could happen on the site. One of them is from Lexington, Kentucky – a mixed use development. It has apartments and retail. Hebron needs different places to eat and to go shopping. Another option is to build something like Summit Park in Blue Ash. It provides housing, senior living, retail, playgrounds, a dog park and restaurants.

Ms. Patricia Dahlenburg, 2820 Presidential Drive, asked why the developer can't move the building and Litton Lane and give the residents more open space? How will the neighbors get to the hiking/walking trails? At the Open House, the developer stated that there was no reason for the semis to go onto KY 20. Now, they show a driveway to KY 20. They already have issues with trucks going into Liberty Crossing and Kimmis Subdivisions. Why can't the project be redesigned with their community more in mind? We need progress but they also need to think of us. She will look outside her second story window and see a 95 foot high building.

Mr. Cary Smith, 2885 Old Graves Road, stated that his house is where the Litton Lane extension will intersect with Graves Road. That connection will be at his front door. He would like some type of buffer/landscape trees to shield his property.

Ms. Valerie Bovard, 2834 Presidential Drive, stated that her and her husband work for Amazon as Transportation Managers. She has witnessed a number of drivers polluting the Hebron area. The proposed project will cause a lot of traffic in the area. Trucks don't have areas to go. She expressed a concern about lights at night. The building is the same size building she works at for Amazon. What about back up sensors? The proposed building will affect 40 properties. It will affect their house at night especially if it is a 24/7 operation. She expressed a concern of trailers moving throughout the yard at all times. It will result in more noise.

Mrs. Joan Holladay, 2962 Petersburg Road, stated that she owns property next to the project site. She isn't for or against the project. She has a farm entrance to her property. The property is classified as Business Park and Commercial. The State took her house and tore it down. Now there is no entrance to the property. Now the developer wants to build access to Petersburg Road that is located only 100 feet from her property. She is requesting an access easement from the developer to properly access her property since it is zoned BP and C. Mrs. Holladay showed the location of her property that is 10 acres in size.

Mr. Chet Hand, 674 Chambers Road, stated that industrial impacts all of Boone County and not just a specific targeted area. It is not true to say there is no stopping the project. It is just a proposal at this point. It can be stopped. The building size debate for Industrial versus Business Park has already been discussed and many members of the Planning Commission have already commented or had input on this issue. The size of the proposed building doesn't meet the requirements of Business Park. Progress does not automatically equal industrial. The number one concern among residents was the over industrialization of our community. Development is good. Progress is inevitable but it doesn't have to equal industrial. What is too much industrial? It is possible to have too much industrial. Where do we draw the line. We have hit that point according to public opinion. We have no obligation as a County to guarantee property owners maximum profit on their investment. They have the right to develop their property within the limits of existing zoning. When someone applies for a zone change, those people that surround a site hold more weight than the individual property owner. Zoning laws tell people what they can and can't do with their property and to protect all property owners. When there is a zone change, the opinions of neighboring property owners hold more weight. Developers like to say they are bringing more jobs. We can't fill the jobs we have today. We are not supplying jobs to Boone County residents but rather to Cincinnati and Kenton County residents. Those people are not dealing with the impact of the development. We expect an unprecedented amount of community involvement in the review of the next Comprehensive Plan update. We have to be cautious in considering industrial in any area. Developers tell you what you want to hear regarding building ownership. There is no responsibility by the County to bring in more industrial to the County unless it meets the specific needs of the demographics of people who already live here.

Mr. Zak Hice, 2828 Presidential Drive, stated that he moved to the area to start a family. He liked the large green space next to him. We should lose a lot of young people to industrialization. It is scary for his property value. Why not invest in a park or residential? It appears that the front will look great, all they have is a thin amount of landscaping. What about light pollution? No one will buy a house starring at a large wall.

Mr. Carl McMurray, 2846 Presential Drive, stated that he hated the idea of this project. The project will be 27 football fields in size and 95 feet tall. He won't be able to sell his house. Section 301 states that to obtain a zone change you need to have public necessity, convenience, general welfare and good zoning practices. It doesn't meet any of these standards. The proposed building will be 40% bigger than the one on Aero Parkway and taller than that building. Would you like to look at the concrete wall? The applicant noted the alternative and it made it sound like a threat.

Mr. Alvie Poweleit, 2808 Presidential Drive, stated that he noticed a street connection sign for future development on Declaration Drive. He asserts that he called and was informed that a road extension would occur in a new neighborhood. He looked at the 2040 Plan that showed a strip of Business Park use along I-275. Then, the I-275/Graves Road Study changed it. There is time to find the best suitable use for the subject property to benefit the neighbors and the property owners. Mr. Poweleit thought that the section drawing is misleading since the existing trees are not that high. He also would like to know if the proposed landscaping will be an effective screen year round? If the building has glass, will interior lighting be seen from the residences? What will the shifts be during the holidays and during construction? He doesn't think they are a good neighbor since they can't meet the maximum percentage limit. Their priority is for themselves and not being a good neighbor.

Ms. Lisa Fletcher, 2784 Presidential Drive, stated that she is being forced from her home. She has 2 kids and they have lived in the area for 10 years. This project is an invasion to her. She thought the field next to her was going to be another subdivision. She asked for sound barriers but was told there is nothing in their plan to install them. It will take a long time to establish the buffer as trees have to grow.

Mr. Larry Goodrich, Hebron, Kentucky, stated that he owns the 15 acres where the fields will be located. He had to tell the people who live along Presidential Drive to quit dumping their garbage on his property. It included shrubs, leaves, grass clippings, beer bottles, etc.

Ms. Patty Montoya, 2110 Williams Road, stated that tractor trailers park on the side streets. Will the building be taller than 95 feet? Does it include the air conditioning units and solar panels? What is the plan for public sanitary sewer for the site? What about the storm water runoff? Are the lights on all night? Where do the trucks park when they are waiting to unload? Her neighbors fought for her when the State wanted to build a road through her property as part of the Interchange project. She wants to support the neighbors now.

Mrs. Michelle Kelly, Gaines Way, stated industrial development is not guaranteed. We need to stop believing that it is going to happen. If the project is approved, the existing tree line should be required to be maintained by the developer.

Ms. Beth Poweleit, 2808 Presidential Drive, noted that the developer said no big trucks will use the access road to KY 20 but future planning shows more trucks. How will trucks impact KY 20? What kind of products will be housed in the warehouse? Will there be any toxic materials or waste in the event of an emergency? Will the site be secured? Will their private spaces, like backyards, be secured?

Mr. Thomas Bovard, 2834 Presidential Drive, asked when the zoning changed for the area and when they dig 35 feet, will there be any potential shifts that may affect their foundations? This is what happened at the airport.

Mr. Costello responded that the I-275/Graves Road Study was requested by the Boone County Fiscal Court years ago and there was a development moratorium in the area for about a year. Workshops were held. Notices were given to property owners along with social media posts. Mr. Bovard stated that he was unaware of this Study but did receive notification of the specific request.

Mr. Michael Koseruba, 1959 Cliffview Lane, stated that he has been in the commercial real estate business all of his life except now since he is retired. It is a poor proposal because there is no drawing that shows what the building looks like on the site. Al Neyer builds boxes. You don't need an architect. This looks great toward the interstate and not the neighbors.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Lunnemann asked what are the hours of operation of the 2 shifts for the end user? Also, he wanted to see a specific building elevation at the Committee Meeting.

Mr. Dunham replied that he will ask for the specific shift times. Mr. Moore noted it was 2 shifts, Monday through Friday. The end user didn't want to be limited during the holiday season.

Ms. Gulick asked if the applicant was going to do any blasting at the site? Mr. Moore stated that they have not received the final geotechnical report yet. Early indicators are that they will not do blasting. It would be rippable. The retaining walls will be engineered. The wall would be maintained by the property owner. Ms. Gulick stated that she wants more details about truck storage since it is a big deal with the residential community.

Mr. Szurlinski expressed a concern about the access road down to KY 20. The movement of the trailers could affect the residents and KY 20. It would be good to know how traffic will be managed. KY 20 is a State route and the trucks may use the access drive if it exists and depending where they are going.

Mrs. Kegley asked Staff to give a give a brief overview and vision of the Graves Road Study at

the Zone Change Committee Meeting. It sounds like the BP zoning was a transition to residential areas. Perhaps Staff can highlight the Study east of the new Graves Road.

Chairman Rolfsen asked the applicant to show the Committee and the public what the building may look like on the 137 acre site. He has a problem approving a building of that size without knowing what it may look like. Mr. Rolfsen asked why the building isn't shifted since there is so much more vacant land to the north? It would give the neighbors more of a buffer. The shadow alone will put them in the dark. To not say who the end user is, is not fair to the community especially if they are already in the community. He wants to know because maybe they have been a problem, maybe not. The truck staging area could be a disaster for moving trucks. There is not transition of use.

Mr. Moore replied that they can look at "belling" the Litton Lane extension from the south but the geometry will not allow them to go on the 5 acres to the north that is reserved for the barn. The bulk of the shadow will be more to the north of the building. They will look at it more closely.

Mrs. Clark expressed a concern about the size of the project and potential increase. What about its impact on the neighbors?

Mr. Wilson explained there will most likely not be another public hearing due to the fact that the Planning Commission has 60 days to act on the request.

Mr. Costello noted that if the Planning Commission received additional information as a result of the concerns mentioned at the Public Hearing, that information will be posted on the Planning Commission's website. It is best to stay in contact with the Planning Commission's staff.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 21, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on October 5, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:37 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 9:38 p.m.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

2. Request of **Prime Engineering, Inc., per Alison Chadwell (applicant)** for **BT-OH, LLC (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Industrial One (I-1) for an approximate 12 acre area located along the west side of Dixie Highway, between Transport Drive and Richwood Road, approximately 500 feet north of Transport Drive, and having a Parcel Identification Number (PIDN) of 076.00-00-003.06, Boone County, Kentucky. The request is for a zone change to allow a trailer staging area.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is approximately 12 acres in size and is located along the northwest side of Dixie Highway between Transport Drive and Richwood Road. The property is surrounded by vacant land and Ms. Hagenseker described the surrounding uses and zoning. The site will tie into the current UPS parking lot and building. The site is hilly and is currently split zoned EPD and A-2. The request is to rezone the site to I-1 in order to tie into the property to the south. The Comprehensive Plan's Future Land Use Map designated the site for Industrial (I) use. Pages 3-5 of the Staff Report include sections from the Comprehensive Plan. The submitted Concept Development Plan shows a 7 acre trailer staging lot with 230 trailer stalls and the construction of a driveway from the site to the existing trailer lot south of the site. Included is a provision for storm water detention. She showed photographs of the site and adjoining properties. Staff Comments are outlined on Page 5 of the Staff Report. A project narrative is attached to the Staff Report. The submitted plan shows 2 types of surface. All parking areas are required to be paved with a hard surface.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Chris Cash, Prime Engineering, stated that UPS needs more storage for their trailers. The dark pavement is heavy duty asphalt and the brown area is heavy duty concrete. UPS doesn't use any gravel lots. Access to the site is through their existing lot. They will install a large culvert system to cross the creek. No U.S. Army Corp of Engineers permit is required. Water quality devices will be installed for the planned storm water system. There will be no new access to Dixie Highway. Their request is consistent with the Plan 2040 recommendations of Industrial for the site. They are going to leave some of the existing vegetation to serve as a natural 10 foot buffer. There is no plan for new signage along Dixie Highway.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no one, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 21, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on October 5, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:48 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the third item on the Agenda at 9:49 p.m.

**ZONING MAP AMENDMENT/ CHANGE OF CONCEPT DEVELOPMENT PLAN, AND
CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff**

3. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is approximately 4.8 acres and located at the southwest corner of Oakbrook Road and Burlington Pike. It is surrounded to the north, west and east by commercial properties and residential to the south. Gunpowder Creek is located on the western property line. The site is located on a hill and currently zoned SR-2, C-2/PD and O-1. The request is to rezone the site to Commercial One (C-1). The Comprehensive Plan's Future Land Use Map designates the site for Commercial (C) use. Pages 3-5 of the Staff Report outline references to the Comprehensive Plan. The submitted Concept Development Plan shows the construction of 4 retail/service/restaurant/office buildings. Three one story buildings are proposed (1,995, 3,640 and 4,350 square foot buildings) along with one 2 story building comprising of 12,480 square feet. An elevation of the proposed 2 story building was submitted with the application. One hundred forty-one parking stalls are proposed. A full curb cut via an access easement agreement (see Staff Report) is being proposed off Oakbrook Road. The land where the access easement is located is owned by Boone County. Mrs. Hagenseker showed photographs of the site and adjoining properties.

In regard to Staff Comments, Mrs. Hagenseker stated that the submitted plan does not show any details for any photometrics. The regulations require measurable light to be less than one (1) footcandle to all property lines. Staff recommends that the fixtures around the perimeter be shielded and downlit. Second, additional information should be provided regarding all four building elevations for each of the four proposed buildings. Third, information relative to the height of the proposed retaining walls and building materials need to be evaluated. One of the proposed retaining walls is shown to be located in the 60 foot utility easement. Permission from the easement holder must be granted. Fourth, the applicant has not identified if any drive thru facilities will be provided. The drive aisle along the eastern property line of the proposed development is not wide enough to accommodate both a drive thru lane and a passing aisle. The Boone County Building Department expressed a concern for handicapped parking in front of each building. The submitted plan needs to show the limits of the 100 year flood plan to ensure protection of Gunpowder Creek and its banks. Finally, the zoning regulations require a minimum of 5% of the vehicular use area

to be landscaped. The submitted plan does not provide for this requirement. Mrs. Hagenseker noted that some emails from neighbors were included in the Staff Report and she submitted one from Calum McDonald (Exhibit 1) and Greg and Pamela Simonson (Exhibit 2).

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Akram Othman, applicant, stated that he doesn't understand why there is a hearing tonight? It is two parcels of land. He owns the existing building with offices. He wants to develop the site in one piece. The access easement is existing and it is grandfathered. The property is 3.1 or 3.2 acres. It is not 4.8 acres. He has developed shopping centers and office buildings for the past 15 years. He is from the area. The existing office building is not included in the request. Mrs. Hagenseker stated that the 4.8 acres includes the large area on the west side of the site and not the area where the existing office building is located.

Chairman Rolfsen reminded Mr. Othman to review the Staff Comments outlined in the Staff Report and address them at the upcoming Committee Meeting.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Wayne Meyer, 1461 Greenery, stated that he was a former building official and a retired architect. He question the specific uses. The current office building is nearly vacant. The site isn't visible. How successful can it be with more buildings at the same location? The access easement is a detriment to Oakbrook Subdivision. Additional turning lanes on both sides of Oakbrook Road will be needed. What about adding turning lanes on KY 18 with more expected traffic? What kind of goods and services will be at this location? We have a lot in the area already. The site slopes down towards Gunpowder Creek. It will directly impact it.

Mr. Michael Koseruba, 1959 Cliffview Lane, expressed a concern about the proposed access from Oakbrook Road. There is a sharp turn and change in grade. The road has a lot of traffic at peak times and people drive over the 35 mph speed limit. The road is visible for about 4 seconds from the curb cut location. There is also the Cedar Hill Drive intersection. Cars traveling at 35 mph have 5 seconds to stop and 4 seconds at 40 mph. Most drivers best reaction time is slightly less than a second or a distracted driver – 2 seconds. At 35 mph, they are moving 240 feet per second. At 40 mph, it is 300 feet per second. There isn't enough time to make a decision to turn unless there is a stop sign or an addition of a traffic signal. Really, the retail traffic should come off Burlington Pike and not Oakbrook Road. A Traffic Study should be conducted. The area is mostly residential. He is opposed to the curb cut. He doesn't know why the applicant is here tonight.

Mr. Costello asked if the County weighed in on the proposed project in terms of access to Oakbrook Road? It was addressed when the County relocated Oakbrook Road. Mrs. Hagenseker replied no.

Mr. Greg Drance, 6858 Vantage Court, showed the lack of sidewalks in the area. More traffic will create a safety issue for pedestrians or cyclists. The section of Oakbrook Road already has a lot of traffic in the morning and in the afternoon. KY 18 is your answer.

Mr. Pete Linstruth, 1449 Greenery Drive, stated that he likes the improvements to Pleasant Valley Road and Aero Parkway but Oakbrook Road connects the two. He walks the area and notices a lot of traffic in the peak times. He is not opposed to the development but prefers to have the access off KY 18. Turning lanes will have to be added.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Patton expressed the need to complete a Traffic Study to look at the movement of traffic in 2 different directions and have another way out in case an entrance is blocked. He also wanted to review the list of permitted uses to determine which ones would be appropriate. Without a traffic signal, there is a concern for high traffic generated uses.

Ms. Gulick asked if the applicant has approached the Kentucky Transportation Cabinet (KTC) because there is a planned road project on KY 18 that may affect this subject property? There should also be a que analysis at the intersection of Aero Parkway and Burlington Pike. The existing curb cut may be limited to right turn in and out only.

Mr. Othman replied that the office building is not vacant. Do we have to consider both vehicle traffic and pedestrian traffic? They are different. A Traffic Study costs \$20,000. Did every project on KY 18 have a Traffic Study? It is an existing easement and he would like an in and out on KY 18.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 21, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on October 5, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 10:20 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit 1 – Email from Calum McDonald
Exhibit 2 – Email from Greg and Pamela Simonson